

REMARKS

This communication is in Response to the Office Action mailed on November 3, 2006. Claims 1-16 were previously withdrawn. By this Amendment, claims 17, 43, and 51 have been amended and claims 18-21, 25-30, and 50 have been cancelled. The amendments have support in at least paragraphs [0028], [0031], and [0032] and FIGS. 2A, 2B, and 2C of the application as published. Claims 17, 22-24, and 31-49, and 51 are therefore pending.

In view of the above amendments and below remarks it is believed that the pending claims are in a condition for allowance. Reconsideration of the pending claims and an indication of allowance are therefore respectfully requested.

Claim Objections

Claim 51 was objected to due to an informality of the language. The language has been corrected by amendment to more clearly point out the claimed invention.

Rejection of the Claims Under 35 U.S.C. § 102

Claims 17-27, 31-35, 37, 42-45, and 47-51 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,353,751 to David K. Swanson et al. ("Swanson"). Applicants respectfully traverse this rejection. In order for Swanson to anticipate the present claims, Swanson must include each and every element of the claims, expressly or inherently. Swanson, however, does not teach, suggest, or disclose all of the elements of the amended independent claims. Claims 17 and 43 therefore do not read upon Swanson and Swanson does not anticipate the claims under 35 U.S.C. §102(b).

Independent claim 17 recites "a needle position indicator" that includes "an actuator position sensor that senses the position of the actuator." Claim 43 recites a "means for sensing a position of the means for deploying and retracting the ablation means." As discussed in the specification, "the position of the actuator 20 corresponds to the position of the needle 19" and therefore the position of the needle can be inferred from the position of the actuator. *See par.* [0032].

Swanson, in contrast, includes a "three dimensional multiple-electrode structure 20" that "takes the form of a basket defining an open interior space 22" (Col. 5, lines 24-26), also called a basket structure 20, that directly senses the location of the ablation probe 16 "in term of its position relative to the position of the electrodes 24." Col 7, lines 6-7. As illustrated in FIGS. 2 and 4, an electrical field within the interior space 22 of the basket structure 20 connected to a processing element 47 uses electrical potentials to sense the location of the electrode 36. Col. 7, lines 24-30. Swanson does not teach, suggest, or disclose a "needle position indicator" that includes "an actuator position sensor that senses the position of the actuator" or a "means for sensing a position of the means for deploying and retracting the ablation means."

Since Swanson does not teach, disclose, or suggest all of the limitations of each claim, Swanson does not anticipate claims 17 and 43. Applicants therefore respectfully request the Examiner to withdraw the rejection of claims based upon Swanson.

In addition, each of dependent claims 18, 22-27, 31-35, 37, 42-45, 47-49, and 51 depend, directly or indirectly, on one of independent claims 17 and 43 and are allowable for at least these same reasons. Claims 18-21, 25-27, and 50 have been cancelled and therefore the rejection of these claims is moot.

Rejection of the Claims Under 35. U.S.C. § 103

Claims 28-30 and 38-41 were been rejected under 35 U.S.C. § 103(a) as being obvious over Swanson. Claims 28-30 have been cancelled and so the rejection of these claims is moot. Furthermore, each of claims 38-41 depend, directly or indirectly, on independent claim 17 and are therefore allowable for at least those reasons given above. Withdrawal of this rejection is therefore respectfully requested.

Conclusion

The Examiner is respectfully requested to contact the undersigned by telephone at 763.505.0409 or by e-mail at scott.a.marks@medtronic.com with any questions or comments.

Please grant any extension of time, if necessary for entry of this paper, and charge any fee due for such extension or any other fee required in connection with this paper to Deposit Account No. 13-2546.

Respectfully submitted,

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/Scott A. Marks/

Scott A. Marks

Registration No. 44,902

MEDTRONIC, INC.

710 Medtronic Parkway NE, M.S.: LC340

Minneapolis, Minnesota 55432-5604

Telephone: (763) 505-0409

Facsimile: (763) 505-0411

CUSTOMER NO.: 27581